

AMENDMENT
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U.S. Appl. No. 10/645,601
Attorney Docket No. PNL 21352

IN THE DRAWINGS

Please replace the second sheet of drawings with the attached Replacement Sheet.

REMARKS

Claims 1, 2 and 24-44 are pending. New claims 24-44 are supported by the originally filed claims.

I. Specification and Drawing Changes

The specification and drawings have been amended in accordance with the Examiner's suggestions. No new matter has been entered. The Replacement Drawing page shows amended Fig. 2, in which "tiers (E)," as discussed at page 5, are identified.

II. 35 USC § 112

Claim 1 stands rejected under 35 USC § 112, first paragraph, as allegedly failing to comply with the enablement requirement. The Office Action asserts the specification fails to describe the "compound filler" of claim 1. Specifically, the Office Action states neither the claims nor the specification clarify whether the filler is the ground or earth or a separate element added to the retaining wall structure. Applicant respectfully presents that the compound filler used in accordance with the invention can contain a bonding agent-free granulate material, a bulk material, soil material or any combination thereof. Thus, the compound filler can be ground or earth, such as backfill materials (page 2, first paragraph) or bulk material added to the retaining wall structure.

Claims 1 and 2 stand rejected under 35 USC § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim that which is considered the invention. In response, the claims have been amended to remove terms such as "preferably."

III. 35 USC § 102

Claim 1 stands rejected under 35 USC § 102(b) as allegedly being anticipated by Hilfiker (U.S. Patent No. 3,922,864). The Office Action asserts the reference expressly teaches each feature of the claim. In light of the amendment, reconsideration is respectfully requested.

Specifically, claim 1 has been amended to recite that the tiers differ in the number of anchoring devices, as shown in Fig. 1. In contrast, each stringer 12 of each horizontal level of stringers is provided with two deadman members 40. There is neither a teaching nor suggestion in Hilfiker (alone or in combination with another cited reference) to modify the number of deadman members 40 in the horizontal levels, Applicant respectfully submits that claim 1 recites allowable subject matter.

IV. 35 USC § 103

Claim3 stands rejected under 35 USC § 103(a) as allegedly being unpatentable over Hilfiker in view of Shimada et al. (U.S. Patent No. 4,126,001). The Office Action asserts Hilfiker teaches each feature of the claim, except for a plurality of anchoring elements arranged as recited, for which purpose Shimada et al. is cited. However, as Shimada et al. fails to cure the deficiencies of Hilfiker et al. as explained above, Applicant respectfully presents that no *prima facie* case of obviousness has been made.

V. Conclusion

In view of the above, it is respectfully submitted that all objections and rejections are overcome. Thus, a Notice of Allowance is respectfully requested. If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below. If any additional fee is necessary to make this paper timely and/or complete, it may be charged to the undersigned's deposit account number 19-4375.

Respectfully submitted,



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ATTACHMENT – Replacement Drawing Page